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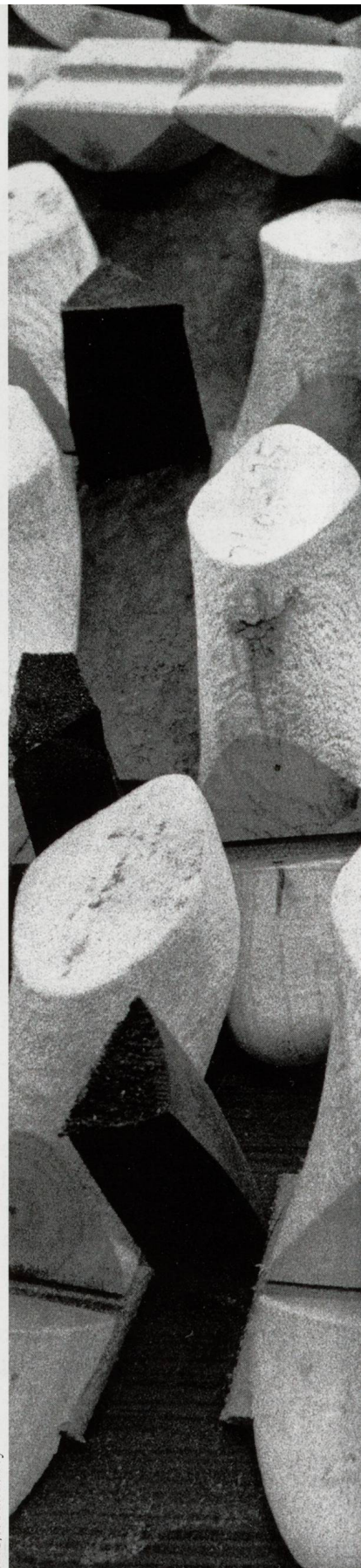
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# INTERNATIONAL LAW, POLICY AND RELATIONS WITH THE MOVEMENT

“Landmines must be stopped”. The ICRC played an important part in international efforts to put an end to the production and use of landmines. In autumn 1996, the International Strategy Conference in Ottawa brought some hope of winning over the international community to the case for banning these pernicious weapons. But for many the ban — should it finally be enforced — will unfortunately come too late. The ICRC’s prosthetic/orthotic workshops are producing as many artificial limbs as possible to meet the steadily increasing demand.

ICRC/J. Nachtwey





*The main challenge in 1996 was to put the resolutions adopted at the 26th International Conference of the Red Cross and Red Crescent into effect. It should be recalled that the principal theme of that conference was the need to improve implementation of international humanitarian law; to that end the conference had endorsed the recommendations of the Intergovernmental Group of Experts for the Protection of War Victims. In addition, the conference had adopted a resolution on a number of humanitarian law issues of particular importance for the civilian population, and one recognizing the work undertaken to clarify the humanitarian law applicable to armed conflicts at sea.*

*The ICRC was especially active with regard to the mines issue. The adoption of an amended Protocol II by the first Review Conference of the 1980 Convention on Certain Conventional Weapons, which ended in May, marked some progress. However, the new rules restricting the use of anti-personnel landmines fell far short of the ban that the ICRC had called for. A major advance then took place at the conference convened by the government of Canada in October, where a group of 50 States pledged to work towards a total ban on anti-personnel landmines. The announcement at the end of the conference that a new treaty establishing such a ban would be negotiated the following year could be seen as a commitment to implement, in treaty form, the humanitarian law rule prohibiting the use of indiscriminate weapons. All components of the Movement have been endeavouring to persuade States to adopt such a ban, and there is now hope that this can be achieved in the not too distant future.*

*Mention should also be made of the Advisory Opinion delivered by the International Court of Justice in July on the Legality of the Threat or Use of Nuclear Weapons. This Opinion reaffirmed the customary nature of certain rules of humanitarian law and the fact that they apply to all weapons without exception.*

*The ICRC Advisory Service on International Humanitarian Law was very active in 1996, organizing numerous seminars in various parts of the world and encouraging as a priority the setting up of national interministerial committees as well as national legislation protecting the emblem of the red cross or red crescent and provision for universal jurisdiction for war crimes. The problem of impunity of war crimes is a serious one and for this reason the ICRC strongly supported the creation of an International Criminal Court during negotiations on this subject at meetings convened by the United Nations.*

*Other challenges facing the world community, on which the ICRC has been asked to prepare studies, included the problem of applying humanitarian law in failed States where anarchic conflicts prevail, and the effect of increased arms transfers. Work on these subjects began in 1996, as well as the major*

*study on international customary law applicable in international and non-international armed conflicts.*

*Other issues discussed by the ICRC with various players in the international community are those of international minimum humanitarian standards and the problem of internally displaced persons. Another subject of continuing concern for the ICRC was that of the effect of armed conflicts on children and it has sought, along with other components of the Movement, to find ways to help children in such situations.*

*Even though the ICRC conducts its own activities in conflict situations, it attaches no lesser importance to cooperation with the other components of the Movement and in particular with the National Societies, which are ever more closely involved in its activities in the field. The chapters of this report devoted to the description of protection and assistance activities for the victims of armed conflicts clearly demonstrate the intensity and value of such links. The ICRC has entrusted National Societies with the implementation of specific programmes in conflict situations, while retaining overall responsibility for the action undertaken.*

*As part of permanent formal consultations between the ICRC and the International Federation of Red Cross and Red Crescent Societies, several senior representatives of the two institutions have shared their thoughts and made known their aims with regard to the development of National Societies, thereby enabling regional objectives to be established for 1997.*

*Faced with ever more varied and complex armed conflicts, the ICRC has continued to seek appropriate means of upholding the fundamental values which are all too often flagrantly disregarded, or even quite simply unknown. It has reminded the various humanitarian players of the responsibilities they bear under the terms of the Geneva Conventions. Above all, it has endeavoured to diversify its working methods so as to be better understood by the various target groups for the dissemination of humanitarian law and the principles of the Red Cross: this is an immense task which is very difficult to accomplish, as tragically evidenced by the murder in Chechnya of six of its staff. One of the three main objectives of the dissemination of humanitarian law is after all to ensure that the red cross and red crescent emblem is respected so that humanitarian action can take place. The appalling event which marked the end of 1996 therefore relaunched the debate on what relationship, if any, there should be between the humanitarian domain and the military and political domains, and on whether the form given to the protective message which the former endeavours to spread is really suitable to convey its content.*

## THE LAW AND LEGAL CONSIDERATIONS

As the guardian and promoter of international humanitarian law, the ICRC has led and taken part in many meetings on this branch of international law. It has worked with various international and regional governmental and non-governmental organizations to promote, enhance application of and develop humanitarian law.

### PROMOTION OF THE TREATIES OF INTERNATIONAL HUMANITARIAN LAW

#### States party to the Geneva Conventions of 12 August 1949: 188

On 25 June 1996, Palau acceded to the four Geneva Conventions of 1949. Lithuania also acceded to them on 3 October 1996. These accessions brought the number of States party to the 1949 Geneva Conventions to 188.

#### States party to Protocols I and II additional to the Geneva Conventions: 146 and 138 respectively

In 1996, four States became party to one or both Protocols of 8 June 1977 additional to the Geneva Conventions. It should be remembered that Protocol I relates to international armed conflicts and Protocol II to non-international armed conflicts.

**Additional Protocols I and II:** Dominica (25 April), Palau (25 June) and Sao Tome and Principe (5 July).

**Additional Protocol II:** Cyprus (18 March).

None of these States made reservations or declarations of interpretation.

The latest ratifications and accessions brought the number of States party to the two Additional Protocols of 1977 to 146 and 138 respectively. The treaties thus attained a satisfactory degree of acceptance. In 1996, the ICRC continued to encourage all States not yet bound by the 1977 Protocols to ratify or accede to them. The United Nations General Assembly placed a debate on the status of the Additional Protocols on its 1996 agenda, as it has done every two years since they were adopted in 1977, and passed a resolution (51/155) by consensus inviting States which have not yet done so to become party to them.

## International Fact-Finding Commission, under Article 90 of Protocol I

Colombia (17 April) and Argentina (11 October) filed the declaration recognizing the competence of the International Fact-Finding Commission to enquire into alleged violations of international humanitarian law treaties, as provided for in Article 90 of Additional Protocol I, thus bringing to 49 the number of States party to Protocol I which have made this declaration.

## 1980 United Nations Convention on Certain Conventional Weapons (CCW)<sup>1</sup>

Prompted by the Review Conference of States party to the 1980 UN Weapons Convention, which held two sessions in 1996, and a continuing high level of international concern about the global problem of anti-personnel landmines, five more States — Djibouti, Georgia, Luxembourg, Mauritius and the Philippines — ratified or acceded to this treaty in 1996, bringing the total number of States Parties to 62 at year's end. These five States consented to be bound by all three of the Convention's original Protocols, as have all but five of the States Parties. Benin and Jordan remain party only to Protocol I on non-detectable fragments and Protocol III on incendiary weapons; France, Israel and the United States are bound only by Protocol II on mines, booby traps and other devices and by Protocol I.

The final session of the Review Conference, which ended in Geneva on 3 May 1996, adopted an amended version of Protocol II which strengthens restrictions particularly on the use of anti-personnel mines. On 13 October 1995, the Conference's first session in Vienna adopted a new Protocol IV on blinding laser weapons to which only Finland had become party by the end of 1996. A resolution (A/51/49) adopted by the United Nations General Assembly on 10 December 1996 called on all States to become party to the Convention and to its new and amended Protocols at an early date.<sup>2</sup>

<sup>1</sup> The full title of this treaty adopted on 10 October 1980 is the United Nations Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects.

<sup>2</sup> See also pp. 274-276.

## RESPECT FOR AND DEVELOPMENT OF INTERNATIONAL HUMANITARIAN LAW

### Implementation of international humanitarian law at the national level

For international humanitarian law to be fully respected, States must incorporate it into their national law by adopting the necessary legislative and regulatory measures. Such measures are aimed in particular at guaranteeing the protection of the red cross/red crescent emblem, providing for the repression of violations of international humanitarian law, defining and guaranteeing the status of protected persons, laying down fundamental guarantees of humane treatment and fair trial in times of conflict and ensuring that protected sites are indicated appropriately.

To facilitate the adoption of these measures, a number of States have set up national committees to implement international humanitarian law which are responsible for formulating, proposing and monitoring national measures. At 31 December 1996, the ICRC had recorded the existence of 35 such committees.

### Advisory Service

The Advisory Service on International Humanitarian Law became fully operational in early 1996. It is intended to assist governments by supplementing their own resources for the implementation of international humanitarian law at national level. For this purpose, it provides the authorities with technical assistance and encourages the exchange of information and experience between governments. While responding to requests for advice, the Service also actively offers its assistance. In all cases, it works in close cooperation with governments and National Red Cross and Red Crescent Societies, taking into account both specific requirements and the respective political and legal systems.

In order to encourage national implementation of international humanitarian law, national seminars were held in 1996 in Zimbabwe (14-16 February), Namibia (21-23 February), Zambia (28 February-1 March), Azerbaijan (6-7 May), Slovenia (7-8 May), Senegal (8 May), Armenia (10-11 May), Georgia (13-14 May), Côte d'Ivoire (1-2 August), Nigeria (13-14 August), Ghana (26-27 August), Ukraine (4-5 September), Republic of Moldova (9-10 September), Togo (17-18 September) and Ethiopia (28-29 November).

These seminars brought together representatives of national authorities to examine implementation at national level, analyse existing measures and plan future action. They were all held in cooperation with the National Red Cross and Red Crescent Societies; international or regional organizations such as UNESCO (*Azerbaijan, Armenia and Georgia*) and the Organization for



Security and Cooperation in Europe (OSCE) (*Ukraine and Republic of Moldova*) also cooperated in several of them.

In addition, legal advice was given to the authorities on draft laws concerning the protection of the red cross/red crescent emblem. In order to facilitate their work in this very specific domain of humanitarian law, a model law concerning the use and protection of the emblem was drawn up and published in the *International Review of the Red Cross*.<sup>3</sup>

The Advisory Service also provided technical assistance for the repression, by means of national legislation, of violations of international humanitarian law. The Kazakhstan authorities asked for its help in harmonizing their draft penal code with the provisions of humanitarian law. In response, proposals were made for incorporating the punishment of war crimes in their draft national legislation. Similar advice was given to Rwanda, at the authorities' request. The authorities in Guatemala included the suggestions made by the Advisory Service in their revised penal code, the draft text of which was currently under consideration, and similar contacts took place with Colombia, where the penal code was also being revised. Lastly, a bill under discussion in the United States and providing for the repression of war crimes was supported by the ICRC, in close cooperation with the American Red Cross.

The Advisory Service furthermore organized a meeting of experts on committees or other bodies responsible for the implementation of international humanitarian law at national level. This meeting, which was held in Geneva from 23 to 25 October 1996, was a follow-up to Recommendation V made by the Intergovernmental Group of Experts for the Protection of War Victims, (Geneva, January 1995) and endorsed by Resolution 1 entitled "International humanitarian law: from law to action" of the 26th International Conference of the Red Cross and Red Crescent (Geneva, December 1995).

The purpose of this meeting, attended by representatives of over 70 States — including representatives of committees that already existed or were currently being formed — and of 35 National Societies, was to study the committees or other national bodies responsible for the implementation of international humanitarian law and to lay down some guidelines as to the characteristics that such a committee or body, when deemed useful and desirable, should have.

## Meeting of National Society Legal Advisers and Persons Responsible for Dissemination

The first Annual Meeting of National Society Legal Advisers and Persons Responsible for Dissemination was held in Geneva from 21 to 23 October 1996.

<sup>3</sup> *Review*, No. 313, July-August 1996, pp. 486-495.

The meeting, organized by the ICRC, was attended by over 70 people, including representatives of National Societies and the Federation. The participants discussed a number of topics of current interest relating to the development, implementation and dissemination of humanitarian law, focusing in particular on the role of National Societies.

### Penal repression

The past years have seen considerable development in the mechanisms available to repress breaches of international humanitarian law. There are, for instance, the efforts made by the international community towards the creation of an international criminal court, the work accomplished by the International Law Commission on the draft Code of Crimes against the Peace and Security of Mankind, as well as the establishment of the *ad hoc* Tribunals for the former Yugoslavia and Rwanda.

In 1996, the ICRC took part in particular in the two sessions of the United Nations Preparatory Committee on the Establishment of an International Criminal Court. Strongly in favour of the creation of such a Court, the ICRC has expressed its views in a number of fora on specific issues it raises. It considers *inter alia* that the Court should be competent for the prosecution of serious violations of humanitarian law committed during international and internal armed conflicts. This competence should take effect as soon as the crime is committed — and when the States are not exercising their duty to repress violations — and should not be made subject to further conditions, such as the consent of particular States or of the Security Council.

### International Fact-Finding Commission

The International Fact-Finding Commission, provided for under Article 90 of Protocol I additional to the Geneva Conventions, was created as one of the means of implementation of international humanitarian law. Established in 1992, its competence *ipso facto* has been recognized by 49 States. It is composed of 15 members, each acting in their individual capacity, who are elected for a period of five years. The last election took place on 29 October 1996, when most of the previous members were re-elected for another term of five years. Prior to the election, the ICRC had the opportunity to meet the members of the Commission and have an exchange of views on issues of mutual interest and concern.

Any State which has accepted the Commission's competence may request an enquiry into facts alleged to be a serious violation of international humanitarian law. Thus far, however, the Commission has not been asked to conduct any such enquiry.

## Study on customary rules of international humanitarian law

In December 1995, the 26th International Conference of the Red Cross and Red Crescent endorsed the recommendations drawn up by the Intergovernmental Group of Experts for the Protection of War Victims which met, at the invitation of the Swiss government, from 23 to 27 January 1995. Recommendation II of this Group proposed that “the ICRC be invited to prepare, with the assistance of experts on IHL representing various geographical regions and different legal systems, and in consultation with experts from governments and international organizations, a report on customary rules of IHL applicable in international and non-international armed conflicts and to circulate the report to States and competent international bodies.”

In order to determine the best way of carrying out this task, on 11 and 12 June 1996 the ICRC consulted a group of academic experts in international humanitarian law who will be members of the Steering Committee for the proposed study.

The Steering Committee decided to divide the work between research into national sources and international sources of state practice. For the national aspect, about forty countries were chosen by the Steering Committee on the basis of geographical representation, experience with armed conflict and availability of information to Steering Committee members. It was also decided that significant practice of other countries would be ascertained by research into international sources, which will be conducted by six academic research teams, and in the archives of the ICRC. Each of these teams would concentrate on one of the areas covered by the study: the principle of distinction between combatants and non-combatants, methods of warfare, use of weapons, specific protection, treatment of persons and human rights law applicable in armed conflict, and accountability and implementation.

Research into national and international sources, carried out by national and international academic research teams, started in autumn 1996. Their reports were scheduled for completion by autumn 1997, to serve as a basis for a consolidated report produced by the Steering Committee in 1998 and then submitted to governmental experts for review. The ICRC was assigned the task of subsequently drafting the final report, taking into account the opinions of the experts consulted, for submission to the 27th International Conference of the Red Cross and Red Crescent scheduled for 1999.

## Protection of internally displaced persons

Internally displaced persons are a particularly vulnerable section of the population. Forced by war to flee their homes, they have generally had to

abandon all their belongings and are utterly destitute. Often families have been split up and children, left to fend for themselves, are in a desperate situation.

It is therefore quite natural for the ICRC to take care of internally displaced persons through its operations in the field or by seeking to provide legal protection. During the year under review, the ICRC conducted large-scale operations in aid of displaced persons, for instance in Africa, particularly in the Great Lakes region, in regions such as the northern Caucasus (especially in the Russian Federation), and in Tajikistan, Afghanistan and Sri Lanka, to mention only a few (a detailed description of the ICRC's operational activities is given in the relevant chapters of this report). It should, however, be noted that ICRC action is always intended to help all the victims of a given situation.

Most internally displaced persons are victims of armed conflicts. As such, they are entitled to the protection of humanitarian law, particularly that guaranteed by Article 3 common to the Geneva Conventions and by 1977 Protocol II: the latter expressly prohibits forced movement of the population. The ICRC endeavoured to ensure that these rules were respected by all parties to armed conflicts by regularly reminding them of their obligations. Strict compliance with humanitarian law would enable most population displacements to be avoided, for it is precisely the repeated violations of that law which force entire communities to flee.

In view of the large number of internally displaced people — and of war victims in general — close cooperation in a spirit of complementarity is essential between the various humanitarian agencies. The ICRC consequently took part throughout the year in the work of the Task Force for Internally Displaced Persons set up by the United Nations Inter-Agency Standing Committee.

It also contributed to legal discussions aimed at enhancing the protection of internally displaced persons. For example it helped with the preparation, under the auspices of the Representative of the United Nations Secretary-General for Internally Displaced Persons, of a document reaffirming the principles of protection by humanitarian law, with specific reference to the needs of such persons.

The ICRC took part in general in the international debate on internally displaced persons. In April, it made a statement on this subject to the United Nations Commission on Human Rights and was represented at a round table organized by Norway. In October, it spoke at the UNHCR Executive Committee session and addressed the United Nations General Assembly. It continued to follow closely the work of the conference for the countries of the Commonwealth of Independent States, which was held in Geneva on 30 and 31 May, and made a statement to it; it also took part in the drafting committee which drew up the action programme and in some of the preparatory meetings, including the one held in Minsk.

In addition, the ICRC pursued and intensified its dialogue with other humanitarian organizations, particularly UNHCR, and also attended the latter's Standing Committee meetings.

A Symposium on Internally Displaced Persons was organized by the ICRC in Geneva in late October 1996, the proceedings of which were published and widely distributed, especially to States and international organizations.<sup>4</sup>

## Protection of children in armed conflicts

The ICRC was again dismayed to note in 1996 that an ever-growing number of children were being recruited into armed forces or volunteering to fight and thus being caught up in combat. Children can easily be manipulated and encouraged to commit acts without being able to realize how serious they are. They experience all kinds of suffering and hardship, and are often captured, wounded or killed.

It remains a shocking reality of armed conflicts that contrary to existing international standards contained in international humanitarian law instruments and in the Convention on the Rights of the Child, in many cases children below the age of 15 take part in the hostilities.

The ICRC therefore continued to strongly support the adoption of both preventive and remedial measures to address this disturbing phenomenon. The International Red Cross and Red Crescent Movement also felt the need for a large-scale response. To this end, its Council of Delegates adopted a resolution in 1995 requesting the drafting and implementation of a Plan of Action aimed at promoting the principle of non-recruitment and non-participation of children below the age of 18 in armed conflicts, and taking concrete action to protect and assist child victims of armed conflicts. The ICRC participated in the two meetings of the International Coordinating Group for the Plan of Action.

In January 1996, as in previous years, the ICRC took an active part in the meeting held by the working group responsible for drafting an optional protocol to the Convention on the Rights of the Child. At this meeting, the ICRC supported a prohibition of the recruitment of children below 18 years of age. Concerned about the potential danger of weakening existing rules protecting children, it also expressed its opinion on a series of important points with a view to ensuring harmonization of the draft optional protocol with the principles of international humanitarian law.

Finally, the ICRC contributed its expert advice to the study on the impact of armed conflict on children, presented in November to the United Nations General Assembly by Mrs Graça Machel, expert of the Secretary-General.

<sup>4</sup>*Internally displaced persons*, ICRC, 1996.

## Minimum humanitarian standards

The ICRC followed with sustained interest the draft declaration of minimum humanitarian standards applicable in all situations of violence, sometimes known as the "Turku Declaration". In its address to the Commission on Human Rights, which debated the subject at its 52nd session (March-April 1996), it endorsed the initiative to convene an international seminar, and subsequently played an extremely active part in this seminar, which was held from 27 to 30 September 1996 in South Africa. Speaking on the ICRC's behalf, the Director of Principles, Law and Relations with the Movement pointed out in particular that the draft minimum humanitarian standards gave a very valuable summary of the fundamental rules to be respected in all situations of violence. But the ICRC also stressed that the draft should be discussed in every detail, so that it truly corresponded to the needs of those for whom it was intended and did not serve as a substitute for the far more detailed rules of existing international law, particularly in times of armed conflict. The ICRC planned to continue to explore this type of solution in cooperation with all other organizations concerned by the subject, especially during the 53rd session of the United Nations Commission on Human Rights in 1997.

## Environment

Efforts were made to spread knowledge of the *Guidelines for military manuals and instructions on the protection of the environment in times of armed conflict*, concentrating in particular on helping States to promote broad circulation of their content and to consider the possibility of incorporating them in their respective military instruction manuals, as invited by General Assembly resolution 49/50.

## Applicability of international humanitarian law to United Nations peace-keeping and peace-making forces

The ICRC continued its work on the applicability of international humanitarian law to peace-keeping or peace-making forces, as described in its last *Annual Report*. Indeed, the changing nature of peace-keeping heightened the need for a clarification of this question.

For the same purpose, the Special Committee on Peace-keeping Operations requested the Secretary-General last year to "complete the elaboration of a code of conduct for United Nations peace-keeping personnel, consistent with applicable international humanitarian law".<sup>5</sup>

<sup>5</sup> UN Doc. A/50/230, para. 73.

In conformity with its mandate “to work for the understanding and dissemination of international humanitarian law applicable in armed conflicts and to prepare any development thereof”,<sup>6</sup> the ICRC studied the possible content of such a code of conduct.

To this end, it organized two meetings of experts from military and academic circles, in March and October 1995. Former commanders of United Nations forces and representatives from the United Nations Secretariat were also invited to give their expert opinions. The participants analysed all the provisions of humanitarian law in order to determine their applicability to peace-keeping forces, and drew up a draft code of conduct.

This draft was subsequently reviewed jointly, in a spirit of close cooperation, by the ICRC and the United Nations Secretariat. A final text was drawn up in May 1996, entitled *Guidelines for UN forces regarding respect for international humanitarian law*, the word “Guidelines” being replaced later on by “Directives”. This document sets out the content and scope of the “principles and spirit” of humanitarian law referred to in many status of force agreements. At the end of 1996, the UN Office of Legal Affairs was engaged in a last round of consultations with troop-contributing countries.

These *Directives* are designed for United Nations forces conducting operations under United Nations command and control in situations of armed conflict. They are meant to be used in both peace-keeping and peace-enforcement operations, where the use of force is authorized either in self-defence or in pursuance of a specific mandate from the Security Council.

It must be emphasized that the *Directives* do not constitute an exhaustive list of the principles and rules of international humanitarian law to be observed by military personnel. Rules of engagement, or other relevant directives adapted to particular circumstances, should indeed continue to be issued. It must also be stressed that Blue Helmets remain bound by their national legislation to respect international humanitarian law whenever this law is applicable.

## Identification of medical transports

In 1996, the ICRC continued its work to improve means of identification of medical transports in times of armed conflict, concentrating on information on new technologies likely to allow identification from a greater distance.

It took part in several meetings of experts at specialized international organizations such as IMO\* and ITU.\* These organizations deal *inter alia* with technical provisions and procedures for the identification of medical transports.

<sup>6</sup> Article 5, para. 2(g), of the Statutes of the International Red Cross and Red Crescent Movement.

\* IMO: International Maritime Organization

\* ITU: International Telecommunication Union

## Review Conference of the United Nations Convention on Certain Conventional Weapons (CCW) of 10 October 1980

On 3 May 1996, the third and final session of the Review Conference of the Convention on Certain Conventional Weapons adopted an amended version of Protocol II regulating the use of “mines, booby traps and other devices”. The final Review Conference session was preceded in 1994 and 1995 by preparatory work of a Group of Governmental Experts and by sessions of the Review Conference in September-October 1995 and January 1996.

The revised Protocol II contains a number of improvements, including an extension of the Protocol to apply in both international and non-international armed conflicts, a clear assignment of responsibility for mine clearance to those who lay the mines and a requirement that the location of all mines be mapped and recorded. In addition, new protection is extended to humanitarian workers. States Parties will be required to enact penal legislation to punish serious violations of the Protocol and have agreed to meet annually to review its operation.

A centrepiece of the new rules is that all anti-personnel mines used must be detectable so as to facilitate mine clearance. Long-lived mines may continue to be used — if placed in fenced, marked and guarded minefields. Self-destructing mines (equipped with mechanisms which cause them to self-destruct within 30 days and, if self-destruction fails, to de-activate within 120 days) may be used without any specific restrictions on their placement. States are required to implement these provisions on detectability and self-destruction within nine years after entry into force of the amended Protocol, although they are encouraged to do so sooner. The revised Protocol places no new restrictions on the use of anti-tank or vehicle mines.

The first session of the Review Conference also adopted, on 13 October 1995, a new Protocol IV on blinding laser weapons. This Protocol, and the amended Protocol II, together constitute the legal results of its proceedings.

The ICRC participated in all sessions of the Review Conference as an observer. In this capacity it was able to attend and speak at all official meetings. In keeping with its mandate for the development and promotion of international humanitarian law the ICRC contributed substantial background documentation to the Conference. To facilitate the process of adherence to the 1980 Convention the ICRC prepared and presented to States at the 51st United Nations General Assembly “Ratification Packets” in five languages, containing summaries of the Convention and model instruments of ratification or accession. The next Review Conference of the CCW is to be held not later than 2001.



## Mines

Since 1994, the ICRC has stressed that the humanitarian crisis caused by anti-personnel mines will be ended only through their total prohibition. While the ICRC welcomes the improvements in the CCW Protocol's general provisions, it was deeply disappointed by the weak restrictions on the use of anti-personnel mines, the lack of specific restrictions on anti-tank mines, the excessively long "grace period" for implementation of key provisions on use, and the absence of a mechanism to verify the fulfilment of technical requirements for self-destructing mines and to investigate possible violations of the restrictions on use. Given these weaknesses, largely due to the need to make decisions by consensus, it considers that the amended Protocol, in and of itself, is unlikely to lead to a significant reduction in the level of civilian landmine casualties in the foreseeable future.

Despite these shortcomings the ICRC has encouraged States to adhere to the revised Protocol II of the CCW in order to strengthen the minimum international legal norms which apply when mines are used. However, it has stressed that these norms do not oblige States to use mines or to invest in new types of mine, and that humanitarian concerns can be adequately addressed only through a total ban.

By the end of the CCW Review Conference more than 40 States from all regions had come to a similar conclusion and lent their support to a total ban on anti-personnel mines. Twenty-five had announced unilateral termination or suspension of the use of these weapons by their own armed forces. Eleven announced the destruction of some or all of their stockpiles. In view of the increasing momentum in support of a total ban, Canada invited like-minded States, international agencies including the ICRC and key non-governmental organizations to an International Strategy Conference in Ottawa in October 1996 to consider how to work together towards that goal.

The Ottawa Conference brought together 50 States which committed themselves to common efforts to ban and eliminate anti-personnel mines, to reduce new deployments, to increase resources for mine awareness and clearance and to increase assistance to mine victims. At its close the Canadian Foreign Minister challenged Foreign Ministers from other States to return to Ottawa in December 1997 to sign a new treaty prohibiting the production, transfer, stockpiling and use of anti-personnel mines. The Conference also prepared an ambitious "Agenda for Action" at national, regional and global levels through 1997. A follow-up meeting of the "Ottawa Group" is planned for June 1997 in Brussels. States participating in the Ottawa meeting were later instrumental in ensuring the adoption of a new United Nations General Assembly resolution (A/51/45 S, 10 December 1996), supported by 155 States and calling for the

negotiation of a new legally binding agreement to entirely prohibit anti-personnel mines.

### Blinding laser weapons

The ICRC has actively promoted adherence by States to the 1980 Convention's new Protocol IV prohibiting the use and transfer of blinding laser weapons, an instrument which it considers to be an historic achievement of the Review Conference. During negotiation of the Protocol it was agreed that it would apply both to international and non-international armed conflicts. Many States indicated that it should apply in all circumstances and there was broad agreement that these weapons should not exist at all. A resolution of the 26th International Conference of the Red Cross and Red Crescent reaffirmed that the Protocol should apply not only to international armed conflicts. However, wording to this effect could not be adopted at the final session of the CCW Review Conference in April and May 1996 owing to objections of principle by a State which nonetheless was opposed to all uses of blinding laser weapons. For this reason the ICRC has encouraged States, when adhering to this new international instrument, to declare their understanding that it applies "in all circumstances". The ICRC has also encouraged further national measures to ensure that such weapons are neither developed nor produced.

### Other arms-related issues

#### Arms transfers

The ICRC has become increasingly concerned about the effects of the virtually unrestrained transfer of arms, particularly small arms, around the globe. Its experience has been that enormous quantities of light weapons are available to virtually any individual or group seeking to acquire them, and that they are all too often used in flagrant violation of the rules of humanitarian law. In 1996 the ICRC began a dialogue on this issue within the International Red Cross and Red Crescent Movement in preparation for an ICRC study, requested by the 26th International Conference of the Red Cross and Red Crescent and scheduled for 1997, on the relationship between arms availability and violations of international humanitarian law.

#### Nuclear weapons

In July 1996 the International Court of Justice issued an Advisory Opinion, requested by the United Nations General Assembly, on the legality of the use or threat of use of nuclear weapons. This was the first time that international humanitarian law governing the use of weapons has been analysed in some

detail by the Court. It ruled that while “There is in neither customary nor conventional international law any comprehensive and universal prohibition of the threat or use of nuclear weapons... the threat or use of nuclear weapons would generally be contrary to the rules of international law applicable in armed conflict, and in particular the principles and rules of humanitarian law”.

The ICRC welcomed the reaffirmation by the Court of certain rules which it defined as “intransgressible”, in particular the absolute prohibition of the use of weapons which are by their nature indiscriminate and the prohibition of the use of weapons that cause unnecessary suffering. It was also encouraged by the Court’s affirmation that humanitarian law applies to all weapons without exception, including new ones.

The ICRC noted the Court’s finding, based on the scientific evidence submitted, that “...The destructive power of nuclear weapons cannot be contained in either space or time... the radiation released by a nuclear explosion would affect health, agriculture, natural resources and demography over a very wide area. Further, the use of nuclear weapons would be a serious danger to future generations...”. In the light of this the ICRC, in a statement to the United Nations General Assembly, commented that it “finds it difficult to envisage how a use of nuclear weapons could be compatible with the rules of international humanitarian law”. The ICRC is convinced that because of their devastating effect no one ever wants to see these weapons used and hopes that the Court’s opinion will give fresh impetus to efforts to rid humanity of this terrible threat.

### Other weapons

In 1996 the ICRC continued to follow technological developments concerning other weapons with a view to promoting the specific regulation or prohibition, as necessary and in accordance with the rules of international humanitarian law, of new arms. It also continued to consider proposals for further regulation of the use of naval mines and of small calibre arms.

### HEADQUARTERS AGREEMENTS

In 1996 the ICRC signed headquarters agreements with the Republic of Mali (16 April) — the new agreement replaced a previous one dating from 1992 — and the Republic of Azerbaijan (29 July). A similar arrangement was signed on 16 July with the Republic of Yemen. At the end of the year several other agreements were under negotiation. Such agreements establish the legal status of ICRC delegations in the countries concerned.

# STATES PARTY TO THE GENEVA CONVENTIONS AND THEIR ADDITIONAL PROTOCOLS

The following tables show which States were party to the Geneva Conventions of 1949 and to the two Additional Protocols of 1977, as at 31 December 1996. They also indicate which States had made the optional declaration under Article 90 of 1977 Protocol I, recognizing the competence of the International Fact-Finding Commission. The names of the countries given in the tables may differ from their official names.

The dates indicated are those on which the Swiss Federal Department of Foreign Affairs received the official instrument from the State that was ratifying, acceding to or succeeding to the Conventions and Protocols or accepting the competence of the International Fact-Finding Commission. Apart from the exceptions mentioned in the footnotes at the end of the tables, for all States the entry into force of the Conventions and of the Protocols occurs six months after the date given in the present document; for States which have made a declaration of succession, entry into force takes place retroactively, on the day of their accession to independence.

## Abbreviations

**Ratification (R):** a treaty is generally open for signature for a certain time following the conference which has adopted it. However, a signature is not binding on a State unless it has been endorsed by ratification. The time limits having elapsed, the Conventions and the Protocols are no longer open for signature. The States which have not signed them may at any time accede or, in the appropriate circumstances, succeed to them.

**Accession (A):** instead of signing and then ratifying a treaty, a State may become party to it by the single act called accession.

**Declaration of Succession (S):** a newly independent State may declare that it will abide by a treaty which was applicable to it prior to its independence. A State may also declare that it will provisionally abide by such treaties during the time it deems necessary to examine their texts carefully and to decide on accession or succession to some or all of the said treaties (declaration of provisional application of the treaties). At present no State is bound by such a declaration.

**Reservation/Declaration (R/D):** unilateral statement, however phrased or named, made by a State when ratifying, acceding or succeeding to a treaty, whereby it purports to exclude or to modify the legal effect of certain provisions of the treaty in their application to that State (provided that such reservations are not incompatible with the object and purpose of the treaty).

**Declaration provided for under Article 90 of Protocol I (D90):** prior acceptance of the competence of the International Fact-Finding Commission.

AS AT 31 DECEMBER 1996

- ◆ States party to the 1949 Geneva Conventions: 188
- ◆ States party to the Additional Protocol I: 146
- ◆ States having made the declaration under Article 90 of Protocol I: 49
- ◆ States party to the Additional Protocol II: 138

| COUNTRY                  | GENEVA CONVENTIONS |     | PROTOCOL I |     |            | PROTOCOL II |     |
|--------------------------|--------------------|-----|------------|-----|------------|-------------|-----|
|                          | R / A / S          | R/D | R / A / S  | R/D | D90        | R / A / S   | R/D |
| Afghanistan              | 26.09.1956         | R   |            |     |            |             |     |
| Albania                  | 27.05.1957         | R X | 16.07.1993 | A   |            | 16.07.1993  | A   |
| Algeria                  | 20.06.1960         | A   | 16.08.1989 | A X | 16.08.1989 | 16.08.1989  | A   |
| Andorra                  | 17.09.1993         | A   |            |     |            |             |     |
| Angola                   | 20.09.1984         | A X | 20.09.1984 | A X |            |             |     |
| Antigua and Barbuda      | 06.10.1986         | S   | 06.10.1986 | A   |            | 06.10.1986  | A   |
| Argentina                | 18.09.1956         | R   | 26.11.1986 | A X | 11.10.1996 | 26.11.1986  | A X |
| Armenia                  | 07.06.1993         | A   | 07.06.1993 | A   |            | 07.06.1993  | A   |
| Australia                | 14.10.1958         | R X | 21.06.1991 | R X | 23.09.1992 | 21.06.1991  | R   |
| Austria                  | 27.08.1953         | R   | 13.08.1982 | R X | 13.08.1982 | 13.08.1982  | R X |
| Azerbaijan               | 01.06.1993         | A   |            |     |            |             |     |
| Bahamas                  | 11.07.1975         | S   | 10.04.1980 | A   |            | 10.04.1980  | A   |
| Bahrain                  | 30.11.1971         | A   | 30.10.1986 | A   |            | 30.10.1986  | A   |
| Bangladesh               | 04.04.1972         | S   | 08.09.1980 | A   |            | 08.09.1980  | A   |
| Barbados                 | 10.09.1968         | S X | 19.02.1990 | A   |            | 19.02.1990  | A   |
| Belarus                  | 03.08.1954         | R X | 23.10.1989 | R   | 23.10.1989 | 23.10.1989  | R   |
| Belgium                  | 03.09.1952         | R   | 20.05.1986 | R X | 27.03.1987 | 20.05.1986  | R   |
| Belize                   | 29.06.1984         | A   | 29.06.1984 | A   |            | 29.06.1984  | A   |
| Benin                    | 14.12.1961         | S   | 28.05.1986 | A   |            | 28.05.1986  | A   |
| Bhutan                   | 10.01.1991         | A   |            |     |            |             |     |
| Bolivia                  | 10.12.1976         | R   | 08.12.1983 | A   | 10.08.1992 | 08.12.1983  | A   |
| Bosnia-Herzegovina       | 31.12.1992         | S   | 31.12.1992 | S   | 31.12.1992 | 31.12.1992  | S   |
| Botswana                 | 29.03.1968         | A   | 23.05.1979 | A   |            | 23.05.1979  | A   |
| Brazil                   | 29.06.1957         | R   | 05.05.1992 | A   | 23.11.1993 | 05.05.1992  | A   |
| Brunei Darussalam        | 14.10.1991         | A   | 14.10.1991 | A   |            | 14.10.1991  | A   |
| Bulgaria                 | 22.07.1954         | R X | 26.09.1989 | R   | 09.05.1994 | 26.09.1989  | R   |
| Burkina Faso             | 07.11.1961         | S   | 20.10.1987 | R   |            | 20.10.1987  | R   |
| Burundi                  | 27.12.1971         | S   | 10.06.1993 | A   |            | 10.06.1993  | A   |
| Cambodia                 | 08.12.1958         | A   |            |     |            |             |     |
| Cameroon                 | 16.09.1963         | S   | 16.03.1984 | A   |            | 16.03.1984  | A   |
| Canada                   | 14.05.1965         | R   | 20.11.1990 | R X | 20.11.1990 | 20.11.1990  | R X |
| Cape Verde               | 11.05.1984         | A   | 16.03.1995 | A   | 16.03.1995 | 16.03.1995  | A   |
| Central African Republic | 01.08.1966         | S   | 17.07.1984 | A   |            | 17.07.1984  | A   |
| Chad                     | 05.08.1970         | A   |            |     |            |             |     |
| Chile                    | 12.10.1950         | R   | 24.04.1991 | R   | 24.04.1991 | 24.04.1991  | R   |
| China                    | 28.12.1956         | R X | 14.09.1983 | A X |            | 14.09.1983  | A   |
| Colombia                 | 08.11.1961         | R   | 01.09.1993 | A   | 17.04.1996 | 14.08.1995  | A   |
| Comoros                  | 21.11.1985         | A   | 21.11.1985 | A   |            | 21.11.1985  | A   |
| Congo                    | 04.02.1967         | S   | 10.11.1983 | A   |            | 10.11.1983  | A   |
| Costa Rica               | 15.10.1969         | A   | 15.12.1983 | A   |            | 15.12.1983  | A   |
| Côte d'Ivoire            | 28.12.1961         | S   | 20.09.1989 | R   |            | 20.09.1989  | R   |
| Croatia                  | 11.05.1992         | S   | 11.05.1992 | S   | 11.05.1992 | 11.05.1992  | S   |
| Cuba                     | 15.04.1954         | R   | 25.11.1982 | A   |            |             |     |

| COUNTRY               | GENEVA CONVENTIONS |     | PROTOCOL I     |     |            | PROTOCOL II    |     |
|-----------------------|--------------------|-----|----------------|-----|------------|----------------|-----|
|                       | R / A / S          | R/D | R / A / S      | R/D | D90        | R / A / S      | R/D |
| Cyprus                | 23.05.1962         | A   | 01.06.1979     | R   |            | 18.03.1996     | A   |
| Czech Republic        | 05.02.1993         | S X | 05.02.1993     | S   | 02.05.1995 | 05.02.1993     | S   |
| Denmark               | 27.06.1951         | R   | 17.06.1982     | R X | 17.06.1982 | 17.06.1982     | R   |
| Djibouti              | 06.03.1978 (1)     | S   | 08.04.1991     | A   |            | 08.04.1991     | A   |
| Dominica              | 28.09.1981         | S   | 25.04.1996     | A   |            | 25.04.1996     | A   |
| Dominican Republic    | 22.01.1958         | A   | 26.05.1994     | A   |            | 26.05.1994     | A   |
| Ecuador               | 11.08.1954         | R   | 10.04.1979     | R   |            | 10.04.1979     | R   |
| Egypt                 | 10.11.1952         | R   | 09.10.1992     | R X |            | 09.10.1992     | R X |
| El Salvador           | 17.06.1953         | R   | 23.11.1978     | R   |            | 23.11.1978     | R   |
| Equatorial Guinea     | 24.07.1986         | A   | 24.07.1986     | A   |            | 24.07.1986     | A   |
| Estonia               | 18.01.1993         | A   | 18.01.1993     | A   |            | 18.01.1993     | A   |
| Ethiopia              | 02.10.1969         | R   | 08.04.1994     | A   |            | 08.04.1994     | A   |
| Fiji                  | 09.08.1971         | S   |                |     |            |                |     |
| Finland               | 22.02.1955         | R   | 07.08.1980     | R X | 07.08.1980 | 07.08.1980     | R   |
| France                | 28.06.1951         | R   |                |     |            | 24.02.1984 (2) | A X |
| Gabon                 | 26.02.1965         | S   | 08.04.1980     | A   |            | 08.04.1980     | A   |
| Gambia                | 20.10.1966         | S   | 12.01.1989     | A   |            | 12.01.1989     | A   |
| Georgia               | 14.09.1993         | A   | 14.09.1993     | A   |            | 14.09.1993     | A   |
| Germany               | 03.09.1954         | A X | 14.02.1991     | R X | 14.02.1991 | 14.02.1991     | R X |
| Ghana                 | 02.08.1958         | A   | 28.02.1978 (3) | R   |            | 28.02.1978 (4) | R   |
| Greece                | 05.06.1956         | R   | 31.03.1989     | R   |            | 15.02.1993     | A   |
| Grenada               | 13.04.1981         | S   |                |     |            |                |     |
| Guatemala             | 14.05.1952         | R   | 19.10.1987     | R   |            | 19.10.1987     | R   |
| Guinea                | 11.07.1984         | A   | 11.07.1984     | A   | 20.12.1993 | 11.07.1984     | A   |
| Guinea-Bissau         | 21.02.1974         | A X | 21.10.1986     | A   |            | 21.10.1986     | A   |
| Guyana                | 22.07.1968         | S   | 18.01.1988     | A   |            | 18.01.1988     | A   |
| Haiti                 | 11.04.1957         | A   |                |     |            |                |     |
| Holy See              | 22.02.1951         | R   | 21.11.1985     | R X |            | 21.11.1985     | R X |
| Honduras              | 31.12.1965         | A   | 16.02.1995     | R   |            | 16.02.1995     | R   |
| Hungary               | 03.08.1954         | R X | 12.04.1989     | R   | 23.09.1991 | 12.04.1989     | R   |
| Iceland               | 10.08.1965         | A   | 10.04.1987     | R X | 10.04.1987 | 10.04.1987     | R   |
| India                 | 09.11.1950         | R   |                |     |            |                |     |
| Indonesia             | 30.09.1958         | A   |                |     |            |                |     |
| Iran (Islamic Rep.of) | 20.02.1957         | R X |                |     |            |                |     |
| Iraq                  | 14.02.1956         | A   |                |     |            |                |     |
| Ireland               | 27.09.1962         | R   |                |     |            |                |     |
| Israel                | 06.07.1951         | R X |                |     |            |                |     |
| Italy                 | 17.12.1951         | R   | 27.02.1986     | R X | 27.02.1986 | 27.02.1986     | R   |
| Jamaica               | 20.07.1964         | S   | 29.07.1986     | A   |            | 29.07.1986     | A   |
| Japan                 | 21.04.1953         | A   |                |     |            |                |     |
| Jordan                | 29.05.1951         | A   | 01.05.1979     | R   |            | 01.05.1979     | R   |
| Kazakstan             | 05.05.1992         | S   | 05.05.1992     | S   |            | 05.05.1992     | S   |
| Kenya                 | 20.09.1966         | A   |                |     |            |                |     |

| COUNTRY                   | GENEVA CONVENTIONS |     | PROTOCOL I |     |            | PROTOCOL II |     |
|---------------------------|--------------------|-----|------------|-----|------------|-------------|-----|
|                           | R / A / S          | R/D | R / A / S  | R/D | D90        | R / A / S   | R/D |
| Kiribati                  | 05.01.1989         | S   |            |     |            |             |     |
| Korea (Dem.People's Rep.) | 27.08.1957         | A X | 09.03.1988 | A   |            |             |     |
| Korea (Republic of)       | 16.08.1966 (5)     | A X | 15.01.1982 | R X |            | 15.01.1982  | R   |
| Kuwait                    | 02.09.1967         | A X | 17.01.1985 | A   |            | 17.01.1985  | A   |
| Kyrgyzstan                | 18.09.1992         | S   | 18.09.1992 | S   |            | 18.09.1992  | S   |
| Lao People's Dem.Rep.     | 29.10.1956         | A   | 18.11.1980 | R   |            | 18.11.1980  | R   |
| Latvia                    | 24.12.1991         | A   | 24.12.1991 | A   |            | 24.12.1991  | A   |
| Lebanon                   | 10.04.1951         | R   |            |     |            |             |     |
| Lesotho                   | 20.05.1968         | S   | 20.05.1994 | A   |            | 20.05.1994  | A   |
| Liberia                   | 29.03.1954         | A   | 30.06.1988 | A   |            | 30.06.1988  | A   |
| Libyan Arab Jamahiriya    | 22.05.1956         | A   | 07.06.1978 | A   |            | 07.06.1978  | A   |
| Liechtenstein             | 21.09.1950         | R   | 10.08.1989 | R X | 10.08.1989 | 10.08.1989  | R X |
| Lithuania                 | 03.10.1996         | A   |            |     |            |             |     |
| Luxembourg                | 01.07.1953         | R   | 29.08.1989 | R   | 12.05.1993 | 29.08.1989  | R   |
| Macedonia                 | 01.09.1993         | S X | 01.09.1993 | S X | 01.09.1993 | 01.09.1993  | S   |
| Madagascar                | 18.07.1963         | S   | 08.05.1992 | R   | 27.07.1993 | 08.05.1992  | R   |
| Malawi                    | 05.01.1968         | A   | 07.10.1991 | A   |            | 07.10.1991  | A   |
| Malaysia                  | 24.08.1962         | A   |            |     |            |             |     |
| Maldives                  | 18.06.1991         | A   | 03.09.1991 | A   |            | 03.09.1991  | A   |
| Mali                      | 24.05.1965         | A   | 08.02.1989 | A   |            | 08.02.1989  | A   |
| Malta                     | 22.08.1968         | S   | 17.04.1989 | A X | 17.04.1989 | 17.04.1989  | A X |
| Mauritania                | 30.10.1962         | S   | 14.03.1980 | A   |            | 14.03.1980  | A   |
| Mauritius                 | 18.08.1970         | S   | 22.03.1982 | A   |            | 22.03.1982  | A   |
| Mexico                    | 29.10.1952         | R   | 10.03.1983 | A   |            |             |     |
| Micronesia                | 19.09.1995         | A   | 19.09.1995 | A   |            | 19.09.1995  | A   |
| Moldova (Republic of)     | 24.05.1993         | A   | 24.05.1993 | A   |            | 24.05.1993  | A   |
| Monaco                    | 05.07.1950         | R   |            |     |            |             |     |
| Mongolia                  | 20.12.1958         | A   | 06.12.1995 | R X | 06.12.1995 | 06.12.1995  | R   |
| Morocco                   | 26.07.1956         | A   |            |     |            |             |     |
| Mozambique                | 14.03.1983         | A   | 14.03.1983 | A   |            |             |     |
| Myanmar                   | 25.08.1992         | A   |            |     |            |             |     |
| Namibia                   | 22.08.1991 (6)     | S   | 17.06.1994 | A   | 21.07.1994 | 17.06.1994  | A   |
| Nepal                     | 07.02.1964         | A   |            |     |            |             |     |
| Netherlands               | 03.08.1954         | R   | 26.06.1987 | R X | 26.06.1987 | 26.06.1987  | R   |
| New Zealand               | 02.05.1959         | R X | 08.02.1988 | R X | 08.02.1988 | 08.02.1988  | R   |
| Nicaragua                 | 17.12.1953         | R   |            |     |            |             |     |
| Niger                     | 21.04.1964         | S   | 08.06.1979 | R   |            | 08.06.1979  | R   |
| Nigeria                   | 20.06.1961         | S   | 10.10.1988 | A   |            | 10.10.1988  | A   |
| Norway                    | 03.08.1951         | R   | 14.12.1981 | R   | 14.12.1981 | 14.12.1981  | R   |
| Oman                      | 31.01.1974         | A   | 29.03.1984 | A X |            | 29.03.1984  | A X |
| Pakistan                  | 12.06.1951         | R X |            |     |            |             |     |
| Palau                     | 25.06.1996         | A   | 25.06.1996 | A   |            | 25.06.1996  | A   |
| Panama                    | 10.02.1956         | A   | 18.09.1995 | R   |            | 18.09.1995  | R   |

| COUNTRY                  | GENEVA CONVENTIONS |     | PROTOCOL I |     |            | PROTOCOL II |     |
|--------------------------|--------------------|-----|------------|-----|------------|-------------|-----|
|                          | R / A / S          | R/D | R / A / S  | R/D | D90        | R / A / S   | R/D |
| Papua New Guinea         | 26.05.1976         | S   |            |     |            |             |     |
| Paraguay                 | 23.10.1961         | R   | 30.11.1990 | A   |            | 30.11.1990  | A   |
| Peru                     | 15.02.1956         | R   | 14.07.1989 | R   |            | 14.07.1989  | R   |
| Philippines              | 06.10.1952 (7)     | R   |            |     |            | 11.12.1986  | A   |
| Poland                   | 26.11.1954         | R X | 23.10.1991 | R   | 02.10.1992 | 23.10.1991  | R   |
| Portugal                 | 14.03.1961         | R X | 27.05.1992 | R   | 01.07.1994 | 27.05.1992  | R   |
| Qatar                    | 15.10.1975         | A   | 05.04.1988 | A X | 24.09.1991 |             |     |
| Romania                  | 01.06.1954         | R X | 21.06.1990 | R   | 31.05.1995 | 21.06.1990  | R   |
| Russian Federation       | 10.05.1954         | R X | 29.09.1989 | R X | 29.09.1989 | 29.09.1989  | R X |
| Rwanda                   | 05.05.1964         | S   | 19.11.1984 | A   | 08.07.1993 | 19.11.1984  | A   |
| Saint Kitts and Nevis    | 14.02.1986         | S   | 14.02.1986 | A   |            | 14.02.1986  | A   |
| Saint Lucia              | 18.09.1981         | S   | 07.10.1982 | A   |            | 07.10.1982  | A   |
| Saint Vincent Grenadines | 01.04.1981         | A   | 08.04.1983 | A   |            | 08.04.1983  | A   |
| Samoa                    | 23.08.1984         | S   | 23.08.1984 | A   |            | 23.08.1984  | A   |
| San Marino               | 29.08.1953         | A   | 05.04.1994 | R   |            | 05.04.1994  | R   |
| Sao Tome and Principe    | 21.05.1976         | A   | 05.07.1996 | A   |            | 05.07.1996  | A   |
| Saudi Arabia             | 18.05.1963         | A   | 21.08.1987 | A X |            |             |     |
| Senegal                  | 18.05.1963         | S   | 07.05.1985 | R   |            | 07.05.1985  | R   |
| Seychelles               | 08.11.1984         | A   | 08.11.1984 | A   | 22.05.1992 | 08.11.1984  | A   |
| Sierra Leone             | 10.06.1965         | S   | 21.10.1986 | A   |            | 21.10.1986  | A   |
| Singapore                | 27.04.1973         | A   |            |     |            |             |     |
| Slovakia                 | 02.04.1993         | S X | 02.04.1993 | S   | 13.03.1995 | 02.04.1993  | S   |
| Slovenia                 | 26.03.1992         | S   | 26.03.1992 | S   | 26.03.1992 | 26.03.1992  | S   |
| Solomon Islands          | 06.07.1981         | S   | 19.09.1988 | A   |            | 19.09.1988  | A   |
| Somalia                  | 12.07.1962         | A   |            |     |            |             |     |
| South Africa             | 31.03.1952         | A   | 21.11.1995 | A   |            | 21.11.1995  | A   |
| Spain                    | 04.08.1952         | R   | 21.04.1989 | R X | 21.04.1989 | 21.04.1989  | R   |
| Sri Lanka                | 28.02.1959 (8)     | R   |            |     |            |             |     |
| Sudan                    | 23.09.1957         | A   |            |     |            |             |     |
| Suriname                 | 13.10.1976         | S X | 16.12.1985 | A   |            | 16.12.1985  | A   |
| Swaziland                | 28.06.1973         | A   | 02.11.1995 | A   |            | 02.11.1995  | A   |
| Sweden                   | 28.12.1953         | R   | 31.08.1979 | R X | 31.08.1979 | 31.08.1979  | R   |
| Switzerland              | 31.03.1950 (9)     | R   | 17.02.1982 | R X | 17.02.1982 | 17.02.1982  | R   |
| Syrian Arab Republic     | 02.11.1953         | R   | 14.11.1983 | A X |            |             |     |
| Tajikistan               | 13.01.1993         | S   | 13.01.1993 | S   |            | 13.01.1993  | S   |
| Tanzania (United Rep.of) | 12.12.1962         | S   | 15.02.1983 | A   |            | 15.02.1983  | A   |
| Thailand                 | 29.12.1954         | A   |            |     |            |             |     |
| Togo                     | 06.01.1962         | S   | 21.06.1984 | R   | 21.11.1991 | 21.06.1984  | R   |
| Tonga                    | 13.04.1978         | S   |            |     |            |             |     |
| Trinidad and Tobago      | 24.09.1963 (10)    | A   |            |     |            |             |     |
| Tunisia                  | 04.05.1957         | A   | 09.08.1979 | R   |            | 09.08.1979  | R   |
| Turkey                   | 10.02.1954         | R   |            |     |            |             |     |
| Turkmenistan             | 10.04.1992         | S   | 10.04.1992 | S   |            | 10.04.1992  | S   |



| COUNTRY                  | GENEVA CONVENTIONS |     | PROTOCOL I |     |            | PROTOCOL II |     |
|--------------------------|--------------------|-----|------------|-----|------------|-------------|-----|
|                          | R / A / S          | R/D | R / A / S  | R/D | D90        | R / A / S   | R/D |
| Tuvalu                   | 19.02.1981         | S   |            |     |            |             |     |
| Uganda                   | 18.05.1964         | A   | 13.03.1991 | A   |            | 13.03.1991  | A   |
| Ukraine                  | 03.08.1954         | R X | 25.01.1990 | R   | 25.01.1990 | 25.01.1990  | R   |
| United Arab Emirates     | 10.05.1972         | A   | 09.03.1983 | A X | 06.03.1992 | 09.03.1983  | A X |
| United Kingdom           | 23.09.1957         | R X |            |     |            |             |     |
| United States of America | 02.08.1955         | R X |            |     |            |             |     |
| Uruguay                  | 05.03.1969         | R X | 13.12.1985 | A   | 17.07.1990 | 13.12.1985  | A   |
| Uzbekistan               | 08.10.1993         | A   | 08.10.1993 | A   |            | 08.10.1993  | A   |
| Vanuatu                  | 27.10.1982         | A   | 28.02.1985 | A   |            | 28.02.1985  | A   |
| Venezuela                | 13.02.1956         | R   |            |     |            |             |     |
| Viet Nam                 | 28.06.1957         | A X | 19.10.1981 | R   |            |             |     |
| Yemen                    | 16.07.1970         | A X | 17.04.1990 | R   |            | 17.04.1990  | R   |
| Yugoslavia               | 21.04.1950         | R X | 11.06.1979 | R X |            | 11.06.1979  | R   |
| Zaire                    | 24.02.1961         | S   | 03.06.1982 | A   |            |             |     |
| Zambia                   | 19.10.1966         | A   | 04.05.1995 | A   |            | 04.05.1995  | A   |
| Zimbabwe                 | 07.03.1983         | A   | 19.10.1992 | A   |            | 19.10.1992  | A   |

### Palestine

On 21 June 1989, the Swiss Federal Department of Foreign Affairs received a letter from the Permanent Observer of Palestine to the United Nations Office at Geneva informing the Swiss Federal Council "that the Executive Committee of the Palestine Liberation Organization, entrusted with the functions of the Government of the State of Palestine by decision of the Palestine National Council, decided, on 4 May 1989,

to adhere to the Four Geneva Conventions of 12 August 1949 and the two Protocols additional thereto".

On 13 September 1989, the Swiss Federal Council informed the States that it was not in a position to decide whether the letter constituted an instrument of accession, "due to the uncertainty within the international community as to the existence or non-existence of a State of Palestine".

- 1 Djibouti's declaration of succession in respect of the First Convention was dated 26 January 1978.
- 2 On accession to Protocol II, France made a communication concerning Protocol I.
- 3 Entry into force on 7 December 1978.
- 4 Entry into force on 7 December 1978.
- 5 Entered into force on 23 September 1966, the Republic of Korea having invoked Art. 62/61/141/157 common respectively to the First, Second, Third and Fourth Conventions (immediate effect).
- 6 An instrument of accession to the Geneva Conventions and their additional Protocols was deposited by the United Nations Council for Namibia on 18 October 1983. In an instrument deposited on 22 August 1991, Namibia declared its succession to the Geneva Conventions, which were previously applicable pursuant to South Africa's accession on 31 March 1952.
- 7 The First Geneva Convention was ratified on 7 March 1951.
- 8 Accession to the Fourth Geneva Convention on 23 February 1959 (Ceylon had signed only the First, Second, and Third Conventions).
- 9 Entry into force on 21 October 1950.
- 10 Accession to the First Geneva Convention on 17 May 1963.

# PROMOTION AND DISSEMINATION OF INTERNATIONAL HUMANITARIAN LAW

The humanitarian message must be constantly adapted to the various audiences to which it is addressed. Programmes to promote humanitarian law are not designed merely to “teach” it, but also to encourage a certain form of interactivity inducing participants to give thought to the fundamental humanitarian principles and show systematic respect for human dignity. Those principles are the very basis of humanitarian law, which is nowadays all too often ignored or deliberately flouted as random violence spreads and the chain of command disintegrates, even though there is a general obligation to apply that law and to ensure that it is applied.

## Violence and respect for the individual

In situations of tension and conflict, it is as essential as ever to remind the various bearers of weapons that they may not resort to violence indiscriminately. The primary aim of dissemination activities is therefore to avert and reduce violations of humanitarian law. The second priority is to have access to the victims. This requires the protagonists to understand the ICRC’s mandate and above all guarantee the security of humanitarian operations. As the borderline between military hostilities and criminal acts, i.e. between the overall conduct of hostilities and individual violations (banditry or lack of discipline among troops), is very tenuous in many situations of conflict today, the security of humanitarian workers is a crucial consideration. It is therefore imperative to make everyone — from government representatives and military commanders to the individual members of any given community or group — aware of their obligations to respect human dignity and not to wantonly destroy human lives.

Throughout the military operations in Chechnya, the ICRC endeavoured to remind combatants on both sides of the need to respect the rules of humanitarian law and of their responsibilities in this regard. For its own activities to be accepted and conducted in the safest possible circumstances, its mandate, too, had to be understood and respected. Eventually the ICRC was allowed to have access to the Russian military bases and address the troops leaving for Chechnya. Additional means of bringing home the humanitarian principles to officers and soldiers were used; for example, articles were published in the weekly military journal and games were specially designed for

### IN 1996, THE ICRC:

- ◆ Held more than 4,000 dissemination sessions throughout the world attended by over 400,000 people, both civilians and military personnel;
- ◆ Produced 300 publications locally. A total of 7 million copies were printed, in about 50 languages;
- ◆ Produced over 300 radio broadcasts and audiovisual presentations.

instruction in humanitarian law. On the Chechen side, contact was established with the council of elders; radio broadcasts, songs and plays based on local folklore also helped to get certain messages across. Since the security of humanitarian operations often depends on collective responsibility, programmes to promote knowledge of humanitarian law and principles were not confined to combatants; the Chechen population was also one of the target groups for dissemination. However, the murder of six ICRC expatriates at Novye Atagi at the end of the year was tragic evidence that although the sensitive task of dissemination is indispensable for preventive purposes, such activities alone cannot guarantee the security of humanitarian workers.

It is therefore of paramount importance to adapt the humanitarian message to the various types of bearers of weapons. In Sri Lanka, for example, reminders were given of the basic rules of humanitarian law both in military academies and camps and to police instructors and members of the Special Task Force. The attention of the other party to the conflict, the LTTE\* fighters, was likewise drawn to these rules. In Iraq, when hostilities resumed in the north of the country, the ICRC not only handed over an official document to the various authorities urging them to comply with humanitarian law but also immediately sent radio announcements explaining the minimum humanitarian rules to be respected by combatants to the local radio stations of both the Patriotic Union of Kurdistan and the Kurdistan Democratic Party.

### Raising awareness as widely as possible

The traditional approach of holding dissemination sessions means that although target groups are reached, they are by definition restricted. For the humanitarian message to be heard by the largest possible number of people and thus be more effective in preventing violations of humanitarian law, its transmission via the mass media has become increasingly systematic.

The ICRC delegations continued to step up their production of audiovisual material and many local coproductions were prepared and completed. In Angola, the national radio service and UNITA\* radio broadcast weekly programmes drawing attention to the ICRC's mandate and activities and to the need to respect Red Cross staff. In Afghanistan, owing to the way the conflict developed, radio became the best means of conveying the message there; it was consequently used to promote knowledge of and compliance with the basic principles of humanitarian law and to encourage acceptance of the ICRC's activities and those of the Afghan Red Crescent Society. In response to

\* LTTE: Liberation Tigers of Tamil Eelam, Tamil opposition

\* UNITA: National Union for the Total Independence of Angola

an initiative by the Cairo delegation, Radio Monte Carlo, which covers most of the Arab countries, broadcast two series of 30 episodes illustrating the problems involved in humanitarian work.

Even though a message is widely disseminated, in order to be assimilated it must be understood by the people for whom it is intended. Hence the ICRC's efforts to incorporate local cultural values in its dissemination activities and to put the message over by eliciting automatic responses that are dictated by local traditions.

The Somalis, for example, have a whole system of rules to govern the various aspects of their daily lives, including conduct in combat. A study of these traditional rules was made by Somali historians for the ICRC, and their findings should enable messages encouraging respect for fundamental humanitarian principles to be put over more effectively. In Egypt, for several years calendars have been produced for countries in the Middle East and North Africa; they are based on Arab-Islamic history, law and literature, and even on certain features of popular folklore.

### Tackling the mines problem: prevention

The ICRC has engaged in a worldwide campaign to obtain a total prohibition of the use of anti-personnel mines<sup>1</sup> by urging States to stop producing, exporting or using these weapons, which strike indiscriminately. Despite this campaign millions of landmines lie in wait, an ever-present threat for entire populations. In order to lessen the carnage caused by weapons that remain active long after hostilities have ceased, it is essential to alert the civilian population to the dangers of mines in the areas where they live and show them how to change their customary behaviour so as to protect themselves against these insidious devices.

Realizing that it is easier to do so by involving the people who are directly at risk, the ICRC therefore began to train local instructors in Bosnia and Herzegovina and Croatia. Thanks to the snowball effect, within six months about a hundred people, mainly members of national and local Red Cross organizations, were capable of conducting prevention programmes. To get the message through to the largest possible number of people, TV and radio spots, posters and T-shirts and educational material for schools were also used. In the Huambo province of Angola, over 7,500 people were alerted to the danger of mines by a group of local musicians singing traditional songs in Portuguese and Umbundu. Performances were also given for schoolchildren. In addition, the ICRC helped some 50 national and international media wishing to cover various aspects of the threat posed by mines.

<sup>1</sup> See *The law and legal considerations*, pp. 274-276, and *Communication*, p. 309.

## The responsibility of States

The ICRC's dissemination efforts alone cannot prevent all violations of humanitarian law. The States themselves have the responsibility, clearly defined by the Geneva Conventions, to spread knowledge of humanitarian law and to ensure that it is respected. The work of the regional delegations, for example, consists among other things in making governments aware of their obligations and thereby forestalling violations of the fundamental humanitarian principles. In other words, the ICRC must also work well outside the conflict areas: in order to encourage a humanitarian mentality and culture, it is stepping up its activities in over 150 countries and establishing an ever-greater number of contacts there. The inclusion of humanitarian law studies in university syllabuses reflects this desire to familiarize future soldiers and politicians with a body of law that is fundamental to respect for humanitarian values.

In Asia, many seminars were held to enable law professors and lecturers to develop such courses of study at their universities, in particular in India and Cambodia. In Indonesia, where humanitarian law was already being taught, a seminar attended by about 20 law faculty staff from every part of the country helped them to acquire a more in-depth knowledge of the subject, to distinguish between humanitarian law and human rights law and to exchange teaching experience. In the Russian Federation, the first course on humanitarian law was organized for about 40 lecturers from faculties of law and international relations.

## Another challenge: young people

Thinking of children in a conflict generally means thinking in terms of victims. But young people are taking an increasingly active part in violence and even conflicts. While it is important to influence those who enlist them, it is essential to get through directly to the young people themselves and use appropriate strategies to instil respect in them for certain rules.

In Somalia the ongoing *Look before you leap* programme, conducted jointly by the Somali Red Crescent Society and the ICRC and intended especially for young armed militia members, made a good start. It is largely based on real-life situations encountered by the young people concerned, and its purpose is to lay down certain rules of behaviour to be followed even in a violent environment. To do so, comics drawn by local artists and song cassettes were distributed, a play written by Red Crescent volunteers was performed in various parts of the country and advertisements bearing humanitarian messages were put up at key points in Mogadishu.

In countries hard-hit by recent conflicts or still prey to a certain instability, young people must be assisted in their efforts to replace the spiral of violence

by a spirit of solidarity which will enable them to reconstruct their physical and psychological environment.

In Croatia, for example, over 150 teachers were trained to organize information activities, discussions and drawing competitions, both in school and outside, and also to set up youth sections of the Red Cross. By taking part in social welfare activities, these young people not only made a human gesture but also helped to spread the humanitarian message.

Behaviour is moulded at a very early age and it is clear that educating young people plays a crucial part.

In Azerbaijan, Georgia, Armenia and the Russian Federation, distribution to over 2,500,000 schoolchildren aged 11 and 12 of a reading book with texts illustrating behavioural problems in violent situations was well under way by the end of the year. This programme was to be extended to advanced secondary school pupils and introduced in other Central Asian republics.

Aware of the media's influence on young people with regard to violence, the ICRC continued to consider projects to encourage them to think about violence and individual and collective responsibility. Several delegations, such as those in Colombia and South Africa, conducted studies on young people involved in urban violence, particularly those who had formed armed gangs.

## Encouraging the activities of National Societies and local disseminators

The bearer of the message is often just as important as the content of the message itself and the use of local human resources may be particularly conducive to success. The ICRC is tending more and more to encourage dissemination programmes devised and carried out by National Red Cross and Red Crescent Societies themselves. To do so it helps, among other things, to train instructors who can thus spread the humanitarian message more widely by passing it on to other instructors.

The Somali proverb "Hands joined together work well together" has given rise to several projects, all based on cooperation with communities and local authorities. Five Somali Red Crescent Society theatre troupes were set up and the Society produced material to promote knowledge of humanitarian law and principles. "Why has the ICRC switched from distributing food to putting on plays? Are you only now trying to convey a humanitarian message?" Such was the comment made by a Somali elder about past and present ICRC activity in his country.

In Iraq, nine Red Crescent teams, each responsible for one province, were advised and financed by the ICRC. The teams regularly carried out programmes to familiarize schoolchildren, women's associations and groups of

villagers with the ICRC's mandate. A film entitled *Remembering the silence* and produced by the ICRC, in which former detainees are asked about the harm caused by their detention, was shown on several occasions to the administrative and security staff of certain detention centres in Iraq. To judge by their reactions at the end of the showing, it obviously gave them food for thought.

In Liberia, after ICRC delegates had to leave the country, the bulk of the delegation's work consisted for obvious security reasons of activities to promote knowledge of and compliance with humanitarian law and principles: local staff spared no effort to conduct such activities among the soldiers of ECOMOG\* and at the various checkpoints.

These few examples show how indispensable such programmes are to create a universal culture advocating respect for human dignity. It is important to get the message through both to the victims of conflicts and to all who bear weapons.

### Dissemination to the armed forces: a rapidly developing area of activity

At the end of 1996, the Division for Dissemination to the Armed Forces changed its name to the Division for Relations with Armed and Security Forces (ASF). What was the reason for this?

Instruction in the rules of the law of armed conflicts for the senior officers of the regular armed forces remains the chief task of this specialized unit. Armed conflicts and other situations of violence are changing in nature and going beyond the scope of provisions laid down for the conduct of hostilities, such as those of the 1949 Geneva Conventions and their 1977 Additional Protocols. In view of the multiplicity of "bearers of weapons" and government forces deployed to restore internal law and order, the ICRC extended the target group concept to include the security and police forces and a training module was designed for senior officers of such forces. The course covers all aspects of human rights and international humanitarian law which must be borne in mind by State officials in the performance of their duties.

The dissemination of humanitarian law in military and paramilitary circles is backed up at strategic and tactical levels. In order to convince government officials that respect for the principles of international law and humanitarian law in performing their duties is a requirement which enhances the credibility of the State, the ICRC took up increasing contact with them, making more systematic use of advisers to the armed forces who are themselves general

\* ECOMOG: Economic Community Monitoring Group

officers. Discussions at the highest level of command of the armed forces, participation in international seminars and lectures at the most prestigious international military academies resulted in openings at NATO (NATO School, Rome), the United Nations and military institutes such as the Royal College of Defence Studies, the Defence College, Camberley, and the *Führungsakademie der Bundeswehr*.<sup>\*</sup> At the supranational level, the ICRC developed its relations with NATO (SHAPE<sup>\*</sup> and PfP<sup>\*</sup>), OSCE<sup>\*</sup> and the United Nations (e.g. peace-keeping contingents) by taking part in courses and military exercises (in Oberammergau, Heidelberg, Brunssum, etc.) intended primarily to improve cooperation and coordination between military, political and humanitarian circles.

At an important meeting with representatives of the SHAPE Operations Division, possible areas for cooperation were identified, particularly in the training sector.

Having decided to extend its courses to security and police forces as well, the ICRC engaged a police officer to design a training module covering humanitarian law and human rights and a course, scheduled for spring 1997, to train a "pool of police officers" to help provide such instruction in countries requesting it. While developing the strategy and appropriate backup and teaching materials, and using police experts, the ASF Division held training sessions in Turkmenistan, India, Sri Lanka, Croatia, Congo, Belize and Brazil.

So that officers can use the latest technology when taking or giving courses for the armed forces, attractive modern teaching materials were devised. For example, a "teach-yourself" CD-ROM on humanitarian law was made, with the assistance of the Swiss army, for members of the armed forces. It was produced in four languages (English, French, German and Italian), and work began on versions including Russian and Spanish. To enable staff officers of large combat units to practise taking tactical decisions in situations where there are several possible options and where the humanitarian dimension must be taken into account, a brigade exercise was devised by a meeting of military experts.

The foundations were also laid for the model manual on humanitarian law which the ICRC was requested to prepare, following a recommendation to that effect by the Intergovernmental Group of Experts for the Protection of War Victims at its meeting in January 1995; the Experts' recommendations had been endorsed in December of the same year by the 26th International Conference of the Red Cross and Red Crescent. The manual, of an essentially practical nature, is intended mainly for commanders of combat troops who are not trained lawyers.

\* Staff College of the Federal German Defence Force

\* SHAPE: Supreme Headquarters Allied Powers Europe

\* PfP: Partnership for Peace

\* OSCE: Organization for Security and Cooperation in Europe



A major ICRC concern is the security of delegates engaged in humanitarian activities. Great care is therefore devoted to their training in order to avoid accidents due to inappropriate behaviour. The ASF Division worked very closely as an advisory unit with the Directorate of Operations in this area and produced a CD-ROM, entitled *Target Zero*, on the effects of weapons.

As delegates to the armed forces were increasingly requested to act as instructors, course directors/coordinators or operational advisers, officers who belonged to the pool of humanitarian law instructors had to be called in more and more frequently. They carried out a total of eleven ad hoc assignments in eleven countries, including longer missions in the Balkans and the Middle East.

As part of the traditional regular activities carried out by ASF delegates and by their colleagues posted on five continents, 86 courses on humanitarian law/the law of war were given to 1,683 officers from 55 countries.

Nineteen workshops for national instructors trained 370 people to pass on what they themselves had learnt by carrying out national training programmes on international humanitarian law/the law of war.

Two regional meetings were held in Africa: the first, in Cotonou (Benin), for ten countries of ECOWAS,\* and the second in Yaoundé (Cameroon), attended by 20 French-speaking African countries to assess the progress of national programmes of instruction in humanitarian law/the law of war.

Towards the end of the year, the first conference for heads of training in five countries on three continents was held in Geneva, bringing together strategists and tacticians. Eight generals and seven senior officers discussed the teaching of humanitarian law/the law of war in a new strategic environment and drew up work programmes adapted to the various levels of the military hierarchy, along with recommendations for the instruction of members of the armed forces in humanitarian law/the law of war.

Several information sessions on humanitarian law and the ICRC were held for UNIFIL,\* UNDOF\* and UNTSO\* and for Uruguayan and Ghanaian contingents leaving on peace-keeping missions.

A document entitled *Guidelines for UN forces regarding respect for international humanitarian law*, which was prepared jointly by United Nations and ICRC lawyers, was officially handed over by the ICRC President to the Secretary-General of the United Nations, opening the way for the preparation of a special training module for UN troops.

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\* ECOWAS: Economic Community of West African States

\* UNIFIL: United Nations Interim Force in Lebanon

\* UNDOF: United Nations Disengagement Observer Force

\* UNTSO: United Nations Truce Supervision Organization

# ICRC ACTION WITHIN THE MOVEMENT

## STATUTORY MEETINGS

### IMPLEMENTATION OF RESOLUTIONS OF THE 26TH INTERNATIONAL CONFERENCE

The 26th International Conference of the Red Cross and Red Crescent (3-7 December 1995) adopted eight resolutions which contain commitments by States party to the Geneva Conventions, National Societies, the Federation and the ICRC. This report describes the work carried out by the ICRC to implement the first five resolutions.

#### Resolution 1

The Conference solemnly reaffirmed that States must respect international humanitarian law and urged them to implement the Recommendations drawn up by the Intergovernmental Group of Experts, in particular by adopting appropriate measures at the national and international level and supporting international organizations working in this field. It called upon them to provide adequate support to the components of the Movement in carrying out the tasks entrusted to them by the Recommendations and invited them to consider further steps towards the effective protection of war victims.

During the year, the ICRC established an Advisory Service on International Humanitarian Law consisting of a small team in Geneva and four legal experts based at ICRC delegations on different continents; their function is to advise governments and National Societies on legislative and practical measures to enhance respect for and implementation of international humanitarian law, and to encourage them to adopt such measures.<sup>1</sup>

For that purpose, two seminars were held in Geneva in October.<sup>2</sup>

#### Resolution 2

In Resolution 2, the 26th International Conference reaffirmed the obligations, under international humanitarian law, of States and parties to armed conflicts with regard to the effects of those conflicts on the civilian population. It highlighted eight specific situations or issues which require the urgent

<sup>1</sup> See *The law and legal considerations*, p. 266-267.

<sup>2</sup> See *The law and legal considerations*, p. 267-268.

attention of the international community: the protection of the whole of the civilian population, the situation of women and children, the reunification of families, the civilian population affected by famine or deprived of water, anti-personnel landmines and blinding weapons.

### The whole of the civilian population

In this regard, the Conference reaffirmed the obligation of States to respect and to ensure respect for the relevant principles and norms of international humanitarian law, and the obligation of all parties to armed conflicts to comply with the 1949 Geneva Conventions and the 1977 Additional Protocols thereto. It condemned sexual violence and emphasized the importance for humanitarian organizations to have unimpeded access to civilian populations in need.

### The situation of women

The Conference strongly condemned sexual violence in the conduct of armed conflict and urged that mechanisms to investigate, bring to justice and punish all those responsible for such acts be established and strengthened.

The ICRC has helped to implement the resolutions in these two respects primarily by operations to protect and assist the victims of conflict.

### The situation of children

The Conference strongly condemned all forms of violence against children, as well as the sexual exploitation to which they are subjected. It also condemned the recruitment and conscription of children under the age of 15 years in the armed forces or armed groups; it recommended that parties to conflict refrain from arming children under the age of 18 years and preclude their participation in hostilities. The ICRC pursued its efforts, in the field and at special meetings, to enhance the protection of children and paid particular attention to implementing the relevant Plan of Action for the Movement.<sup>3</sup>

### Reunification of families

In this section the Conference made a point of reminding parties to conflict that they must avoid any action aimed at — or having the effect of — causing the separation of families and appealed to States to solve the serious humanitarian issue of dispersed families. It placed particular stress on assistance for unaccompanied children with a view to reuniting them with their families.

<sup>3</sup> See *Council of Delegates* below and *The law and legal considerations, Protection of children*, p. 271.

The ICRC intensified its efforts, in cooperation with the National Societies and the Federation, to locate and identify unaccompanied children, to re-establish contact with and reunite them with their families, and to give them the necessary assistance and support. For its part, the ICRC's Central Tracing Agency (CTA) continued to coordinate, whenever necessary, National Society activities in tracing and family reunification and to train National Society staff in the principles and techniques of tracing.

### The civilian population affected by famine or deprived of water

The Conference strongly condemned attempts to starve civilian populations in armed conflicts and called upon parties to conflicts to avoid disrupting water-supply systems used by civilians. The ICRC itself made great efforts to restore water-supply systems damaged in military operations to working order.

### Anti-personnel landmines and blinding weapons

The Conference noted the progress made towards the total elimination of anti-personnel landmines. It also welcomed the will of States to prohibit blinding weapons. The ICRC was very active in providing legal advice, conducting public campaigns and organizing or taking part in conferences on the subject.

### Resolution 3

States which had not yet done so were urged to draft manuals on international humanitarian law applicable to armed conflicts at sea and encouraged to take into account the provisions of the *San Remo Manual* when drafting manuals and other instructions for their naval forces. The ICRC continued its dissemination work, while ensuring that attention was drawn to the *San Remo Manual* at special courses and seminars on international humanitarian law applicable to armed conflicts at sea.

### Resolution 4

Resolution 4 of the Conference entitled *Principles and action in international humanitarian assistance and protection* was designed to draw the attention of governments to certain sensitive issues during action in the event of disasters. The resolution contains seven sections, each covering a specific aspect of such interventions and inviting States and, where appropriate, National Societies, the Federation and the ICRC, to take certain measures.

With regard more specifically to internally displaced persons and refugees, States were requested to fulfil their commitments under existing international instruments and in accordance with established practice. The resolution also highlights the lasting nature of many current refugee crises and calls upon States to provide appropriate funding for activities on behalf of the victims and also adequate food aid for such activities to be carried out. The Movement's essential role in providing assistance and protection to internally displaced persons is underscored, along with the need for National Societies to inform the Federation and the ICRC of any negotiations conducted with the office of the United Nations High Commissioner for Refugees (UNHCR) which might lead to an official agreement.

## Resolution 5

In Resolution 5, the Conference drew the attention of States to the role of National Societies as providers of vital health care, social services and emergency assistance, and stressed the need to develop their capacities so that they can act effectively as an auxiliary to the public authorities in the humanitarian field.

National Societies, the Federation and the ICRC were furthermore requested to continue to support the development of the global network of National Societies, especially by strengthening their institutional development, resources and programmes.

The ICRC itself undertook to continue to strengthen recognized and emerging National Societies by devoting increased human and financial resources to their institutional development, and envisaged sharing the experience acquired in its cooperation programmes so as to prepare guidelines for good cooperation practice. In addition, a small working group was set up under the auspices of the Joint ICRC/Federation Commission for National Society Statutes in order to draw up a model law of recognition, to be finalized after consultation with the National Societies and submitted to the 27th International Conference.

## IMPLEMENTATION OF RESOLUTIONS OF THE 1995 COUNCIL OF DELEGATES

The Council of Delegates which met in early December 1995 adopted a number of resolutions and the ICRC did its utmost to implement them. Besides its participation in the work of the Standing Commission and the Advisory Commission (see below), two important areas of activity should be mentioned.

## Children in armed conflicts

In its resolution on children in armed conflicts, the Movement adopted a Plan of Action in aid of children in armed conflicts which aims, in particular, to promote the principle of non-participation and non-recruitment of children below the age of 18 years in armed conflicts and to take concrete action to protect and assist child victims of armed conflicts.

In accordance with the decision taken by the Council of Delegates, and in order to carry out this plan, a coordination group composed of representatives of the ICRC, the Federation and four National Societies was set up and met twice in 1996. Discussions at its meetings focused on organizational aspects (the Swedish Red Cross agreed to act as the international focal point) and on finding ways to implement the Plan of Action.

## Information policy of the Movement

In its resolution on the information policy of the Movement, the Council of Delegates called upon the ICRC and the Federation to convene a geographically representative forum of key communicators from National Societies and to produce a set of coherent project plans to run from 1996 to the millennium.

The ICRC and the Federation took several steps to encourage National Societies to support this forum, in accordance with Resolution 6. A meeting held at the American Red Cross headquarters in Washington on 25 and 26 June and chaired by a representative of the Belgian National Society was attended, for instance, by communication experts from the American Red Cross, Belgian Red Cross, Lebanese Red Cross, South African Red Cross, Uganda Red Cross Society and the Red Cross branch of Hong Kong together with senior staff of the respective ICRC and Federation communication departments. Besides several other projects, the ICRC was asked to set up a communication training programme for senior officials of National Societies, to work on a documentary presenting the Movement and to put forward a concept for a home page on the World Wide Web to give access to information about the Movement and to its components' websites.

## STANDING COMMISSION

The newly constituted Standing Commission met three times during the year: on 19 and 20 February, on 16 May and on 4 and 5 November. The ICRC was represented by its President and the Director of Principles, Law and Relations with the Movement.

Pursuant to the resolutions to that effect adopted by the Council of Delegates, the Standing Commission examined the problem of use of the emblem, formulated the rules of procedure for an arbitration mechanism to settle any differences that may arise within the Movement, and prepared the agenda for the Council of Delegates scheduled for November 1997.

At its November meeting, the Standing Commission decided that the 27th International Conference of the Red Cross and Red Crescent would be held in Geneva during the second half of 1999; it instructed the ICRC and the Federation to organize and convene it.

Since September 1996, the Commission has had a permanent secretary who has an office at the Henry Dunant Institute in Geneva.

## ADVISORY COMMISSION

The independent Advisory Commission, set up by the 1995 Council of Delegates as the successor to the Policy and Planning Advisory Commission, began work at the beginning of the year, concentrating mainly on two subjects:

- ◆ a review of the statutory provisions concerning the role, competencies and functioning of statutory bodies of the Movement; and
- ◆ work on a clear definition of the organization of the international activities of the Movement's components and preparation of a draft agreement on this subject for endorsement by the next Council of Delegates (November 1997), which would bind all components of the Movement.

The ICRC designated three representatives to sit on this Commission with representatives of National Societies (six members) and the Federation (three members). All members are appointed *ad personam*. A broad exchange of views on the Commission's mandate and work took place on 1 November at a meeting between the ICRC Executive Board and the entire Commission.

## RELATIONS WITH THE OTHER COMPONENTS OF THE MOVEMENT

### NATIONAL SOCIETIES

The ICRC attaches great importance to the meetings of National Societies. Its President, several members of the Committee — the ICRC's governing board — or other senior ICRC officials therefore attended a number of conferences or important regional meetings such as:

- ◆ the Extended Meeting of National Societies of the Visegrad Group (Bratislava, March);
- ◆ the fifth meeting of National Societies of the Pacific (Solomon Islands, June);
- ◆ the 26th Conference of Arab Red Crescent and Red Cross Societies (Amman, September);
- ◆ the 4th Pan African Conference of Red Cross and Red Crescent Societies (Kampala, September);
- ◆ the XIth conference of National Societies of countries within ASEAN (Bangkok, September/October);

as well as several meetings of the Organizing Committee for the next Regional Conference of European National Red Cross and Red Crescent Societies, to be held in Copenhagen from 17 to 20 March 1997.

The ICRC also took part in ceremonies celebrating important anniversaries of certain National Societies such as:

- ◆ the centenary of the South African Red Cross Society (May);
- ◆ the 120th anniversary of the Red Cross of Romania (July);
- ◆ the centenary of the Canadian Red Cross Society (Ottawa, October);
- ◆ the 50th anniversary of the Syrian Arab Red Crescent (Damascus, October);
- ◆ the 75th anniversary of the Albanian Red Cross (Tirana, December).

These meetings provided an opportunity to strengthen recent or long-standing links and to demonstrate the ICRC's solidarity and desire to cooperate with National Societies.

During the year under review the ICRC, at the request of National Societies or by specific invitation, organized 82 visits to its Geneva headquarters for 302 people, including presidents, vice-presidents, secretaries general, directors, staff members and volunteer workers from National Societies of all continents, but particularly Europe and Asia. The visits helped to establish or maintain a dialogue conducive to the strengthening of the Movement.

## INTERNATIONAL FEDERATION OF RED CROSS AND RED CRESCENT SOCIETIES

### Joint ICRC/Federation Commission for National Society Statutes

On the basis of the recommendations of the Joint ICRC/Federation Commission for National Society Statutes, on 6 November 1996 the ICRC



Assembly recognized the Brunei Darussalam Red Crescent Society. This new component of the Movement was then admitted provisionally to membership of the Federation by the latter's Executive Council.

The number of recognized National Societies thus stood at 170 at the end of the year. Several Red Cross and Red Crescent Societies were in the process of being set up and were expected to take part in the next Council of Delegates in November 1997, either as observers or as fully fledged members.

The Commission met seven times. In accordance with Resolution VI of the 22nd International Conference (Tehran, 1973), Resolution XX of the 24th International Conference (Manila, 1981) and the Constitution of the Federation, it monitored application and constant observance of the rules governing recognition of new National Societies and their admission to the Federation. It also examined the amendments that National Societies proposed to make to their statutes, in order to ensure that the statutes remain in conformity with the conditions for recognition and the Movement's Fundamental Principles and that those National Societies function democratically.

### Joint ICRC/Federation meetings

Apart from the almost daily contacts between staff members of the two institutions, Article 35 of the 1989 ICRC/Federation Agreement provides for joint meetings at least three times a year. The meetings are intended to assist the Movement's statutory bodies in settling any procedural and substantive questions that may arise. They also serve to keep the two institutions regularly informed about the coordination of their activities and about all topics of interest to the Movement as a whole.

ICRC and Federation leaders met six times in 1996. Discussions focused on:

- ◆ appraisal of and follow-up to the 26th International Conference of the Red Cross and Red Crescent;
- ◆ follow-up to the Council of Delegates and the resolutions adopted in 1995;
- ◆ preparation of and follow-up to Standing Commission meetings;
- ◆ organization and preparation of the 27th International Conference;
- ◆ efforts to harmonize views with regard to certain areas of activity common to both institutions.

In addition to these formal meetings, ICRC and Federation leaders met several times more informally for the specific purpose of improving functional cooperation between the two institutions.

## FUNDS AND MEDALS

### Joint Commission for the Empress Shôken Fund

This Fund was created in 1912 by a gift from the Empress of Japan, after whom it is called, and its capital has been increased several times by gifts from the Japanese Imperial Family, the government, the Japanese Red Cross, some Japanese citizens and the “*Meiji Jingu Shrine Sukei-Kai*” association, devoted to the memory of the Empress. The capital of the Fund was again increased in 1996 by gifts from the Empress, who is the Honorary President of the Japanese Red Cross, and from the Japanese government. The income from the Fund is used for the full or partial financing of National Society projects in the areas of development, equipment and transport.

The Commission, which is chaired by an ICRC member, examined requests for grants submitted by 49 National Societies, thus many more than in previous years. At a meeting on 15 April, in the presence of Japan’s Permanent Representative in Geneva, the Commission awarded grants totalling 351,000 Swiss francs to 14 National Societies (Barbados, Belize, Equatorial Guinea, Ghana, Guyana, Hungary, Latvia, Lesotho, Namibia, Nepal, Pakistan, Senegal, Syria and Zambia).

Each recipient Society is required to send the Joint Commission, within 12 months of receiving its grant, a report on its use and the results achieved.

### Maurice de Madre French Fund

Count Maurice de Madre, who died in 1970, bequeathed part of his property to the ICRC, stipulating the use to be made of it. The purpose of the Fund is to assist staff of National Societies, the Federation or the ICRC who suffer injury or illness in the service of the Movement or, in the event of their death, to assist their families. In exceptional cases, an allocation may be made even though the illness, accident or death has no direct link with service within the Movement. The Fund may also contribute to the training of recipients and help them to resume their professional activity.

National Societies aware of cases in which the Fund could award grants present a file in support of each application. Most files are prepared by ICRC and Federation delegates, in consultation with the National Society concerned.

In 1996, the Board of the Fund considered applications relating to staff of the Movement or their relatives and allocated a total of over 150,000 Swiss francs to recipients in the following countries: Afghanistan, Angola, Bangladesh, Belarus, Burundi, Cambodia, Colombia, El Salvador, Equatorial

Guinea, Guinea, Haiti, Kenya, Lebanon, Mozambique, Namibia, Nigeria, South Africa, Spain, Tanzania, Uganda, Yugoslavia and Zaire.

## Florence Nightingale Medal

As a tribute to the outstanding services rendered by Florence Nightingale, the 9th International Conference of the Red Cross, held in Washington in 1912, decided to set up a fund to award an international commemorative medal. It is the highest distinction that a nurse can receive. Under the Fund's regulations, the Florence Nightingale Medal may be awarded to qualified male or female nurses and also to male or female voluntary nursing aides who are active members or regular helpers of a National Red Cross or Red Crescent Society or of an affiliated medical or nursing institution. The Medal may be awarded to individuals in these categories who have distinguished themselves in time of peace or war by their exceptional courage and devotion to the wounded, sick or disabled, or to civilian victims of a conflict or disaster; or by exemplary services and a pioneering and creative spirit in the areas of preventive medicine or public health. The Medal may also be awarded posthumously to honour the memory of a person who has fallen on active service.

A circular was sent on 2 September to National Red Cross and Red Crescent Societies inviting them to submit, by 3 March 1997 at the latest, one or more candidates for the forthcoming 37th award of the Medal on 12 May 1997, the anniversary of Florence Nightingale's birth. No more than 50 medals may be awarded at any one of these distributions, which take place every second year.

## HENRY DUNANT INSTITUTE

The Henry Dunant Institute was set up in 1965 by the ICRC, the Federation and the Swiss Red Cross to contribute to the Movement's development in the world.

In 1996, the Institute continued its work by building up contacts with National Societies and other organizations and institutions, particularly in the teaching and research fields. It also responded to requests for consultation, accepted trainees from National Societies and from various universities and research centres, published studies it had carried out and expanded its documentation centre. Institute staff took part *inter alia* in a seminar organized by the ICRC for Russian Federation university teaching staff.

Since 1974, the training given at the Henry Dunant Institute has consisted mainly of annual courses for senior officials of National Societies. The 21st annual course took place in Spanish from 12 to 24 May 1996 in Geneva, at the

Institute. Eighteen people from 18 Spanish-language National Societies took part in the course, which was held in close collaboration with the ICRC and the Federation. Various groups from outside the Movement also receive training at the Institute.

On 8 May 1996 the Institute, in cooperation with the Department of Sociology of the University of Geneva and the University of Social Sciences of the Russian Federation, held a colloquium on humanitarian values at the end of the millennium. During the colloquium an exchange of views took place on human values profoundly rooted in all cultures and all societies.

As in recent years, the Institute again concentrated on the problems of children and on family reunification. A study on child soldiers had been published previously in English and French and a Spanish edition was being prepared in cooperation with the Spanish Red Cross. In 1996, the Institute continued in particular with its study on street children. Visits were made in Cambodia and the Philippines to the National Societies and to other non-governmental organizations concerned with such children. The bibliography was also updated and a list of projects compiled, and the Institute attended the European Conference on Street Children Worldwide held in Amsterdam from 20 to 23 June 1996. The Institute's objective is to prepare a plan of action for the Movement and to expand National Society activities in aid of street children. The study is being conducted in cooperation with many National Societies, with humanitarian organizations engaged in activities for street children, and with the United Nations Committee on the Rights of the Child. The Institute reissued several studies on family reunification and began to prepare training material containing practical examples accompanied by commentaries.

It also drew up a directory of training and research centres and institutes which may be of interest to the Movement.

The Institute received the winning teams in the Jean Pictet International Humanitarian Law Competition and held summer courses for law students, in cooperation with the University of Santa Clara (United States).

After publishing an English-language compendium of international humanitarian law texts, *The law of armed conflicts*, in 1973, 1983 and 1988, the Institute, in cooperation with the ICRC and thanks to a contribution from the Swiss Federal Department of Foreign Affairs and the Oak Foundation, published the compendium in 1996 for the first time in French. It also began work on a new edition in English. The 1,470-page compendium contains 107 international humanitarian law texts.

With a view to redefining the Institute in 1997, its Executive Committee and General Assembly, in accordance with Resolution 8 of the December 1995 Council of Delegates, pursued their examination of its mandate.

# THE INTERNATIONAL TRACING SERVICE

## A brief history

The activities of the International Tracing Service (ITS) began in 1943, when a special office was set up in London to trace civilian victims of the National Socialist regime. After being transferred several times, the institution, henceforth serving former victims of persecution, was established on a permanent basis in Arolsen, Federal Republic of Germany, in January 1946. Since 1955, it has been directed and administered by the ICRC in Geneva and is supervised by an International Commission composed of representatives of the ten ITS member States. This International Commission has given the ITS four mandates, namely, to gather, classify, preserve and evaluate personal records on persons deported or detained under the Third Reich and persons displaced in the immediate post-war period. To this day, these mandates continue to be the basis of its work.

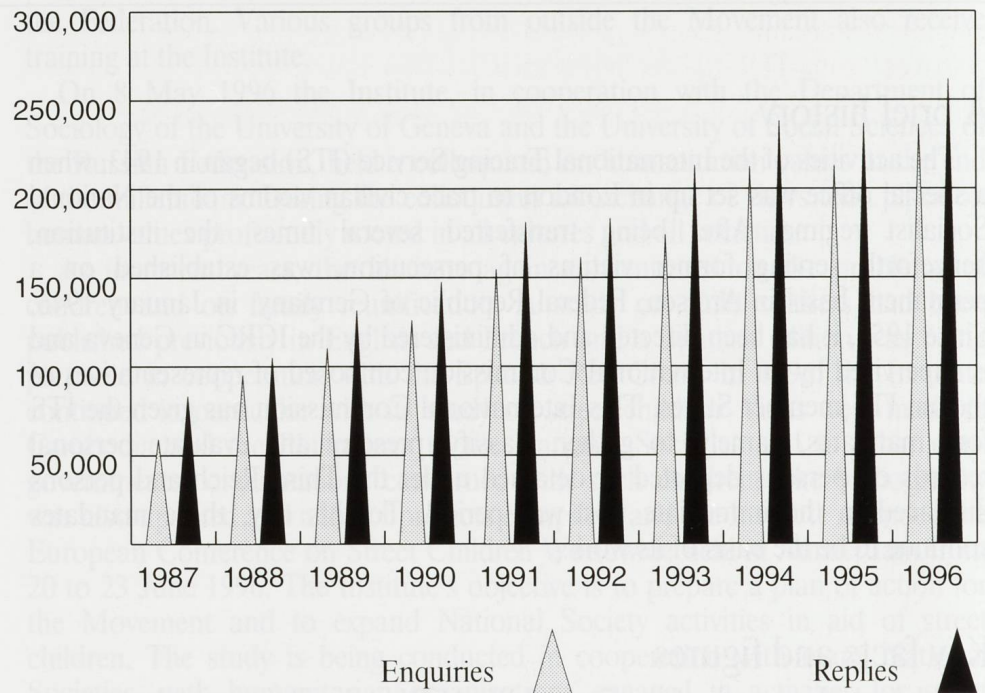
## Key facts and figures

Although the events of the Second World War already seem quite remote, the ITS is nonetheless in ever-increasing demand. The fall of the Berlin Wall and the political changes in Eastern Europe meant that for the first time a large number of former victims of persecution or their rightful claimants were able to assert their rights. Since 1990 the ITS has been flooded with enquiries, the processing of which requires considerable effort.

In the period under review, the ITS registered 236,241 enquiries (212,940 in 1995). This marked increase can be explained by, among other things, the fact that the gradual processing of the enquiries received from the "Memorial" Foundation in Moscow<sup>1</sup> continued at the same time as the processing of new enquiries. As many as 261,802 replies were nonetheless sent out, compared to 236,756 in 1995. Despite this large number, a backlog of 314,104 enquiries (333,416 in 1995) remained, due in particular to the many bulk enquiries being sent to the ITS by various services, as in March for instance, when over 40,000 were received from Minsk.

<sup>1</sup> An association of persons from the former Soviet Union who had done forced labour under the National Socialist regime.

### Enquiries recorded and replies given by the ITS between 1987 and 1996



### Acquisition of documents

The opening of borders has enabled the ITS to acquire documents from the territory of the former Soviet zone of occupation in Germany, almost all of which were previously inaccessible to it. Close cooperation between archive services and other institutions abroad which have documents pertaining to persons of interest to the ITS is also becoming more and more efficient.

The acquisition of newly available documents is helping to supplement the existing archives and the ITS is now in a position to issue certificates attesting to periods of forced labour or detention to many people whose initial applications could not be processed for lack of documentation. Similarly, families can at last be given information to clarify the fate of missing relatives. In 1996, the ITS acquired 508 linear metres of documents relating to individuals and supplied by 314 services (in 1995: 555 linear metres supplied by 336 services).

## Processing of data

In view of the large number of enquiries and the rising average age of enquirers, it became essential to speed up the processing of requests. In dealing with cases, the ITS had to find a means of rapid access to newly acquired documents. The use of computers both to evaluate and store documents was the ideal solution.

In 1992, the ITS took a first major step in this direction by starting to create computer files of all newly acquired documents. Thanks to the data bank constituted in this way, the central data file of names can now be consulted directly, and no longer, as previously, only after reference cards have been manually inserted into the central filing system. Since 1993, the registration of requests for information has been fully computerized as well.

In 1994, a specialized firm developed a computer program to identify and locate former places of forced labour and/or residence whose names have either been changed or distorted and thus differ from those specified by enquirers.

Thanks to the network set up to interlink all these systems, the ITS was able to establish a central data bank in 1996. All available information can be consulted on a central server. Any employee dealing with a request can therefore access the central data bank directly. This saves time at all levels of verification and enables working methods to be flexibly adapted to the demands of processing. In the years ahead, the ITS should endeavour to increase the consistent use of computer technology and further refine its application. This is the only way to guarantee speedier handling of cases and preservation of the stock of documents.